IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2597OF 2006

Shri. Hasam Kasam Shaikh ...Petitioner

V/s.

State of Maharashtra & Anr. ...Respondents

Mr.B.A. Aloor & J.R. Jahagirdar for Petitioner.
Mr.Y.S. Shinde APP for the State.

CORAM : V.M. KANADE, J.
DATED : 9th OCTOBER, 2007.

P.C:-

1. Heard learned counsel for the Petitioner and learned APP for the State. None appears on behalf of Respondent No.2. though served.

2. The Petitioner is challenging the order passed by the Sessions Court directing the Petitioner to deposit an amount of Rs.1,07,500/- in the court within a period of one month.

3. Learned counsel for the Petitioner submitted that the Petitioner was not in a position to pay the said amount. He submitted that the Petitioner had a good case on merit. Learned counsel further

submitted that the Respondent No.2 herein had given loan to the Petitioner and a cheque was given by the Petitioner by way of security for the said loan. He submitted that the Trial Court had convicted him for the same offence and sentenced him to suffer S.I. for six months and to pay compensation of Rs.2,15,000/-.

4. It is an admitted position that the Petitioner has already undergone one month imprisonment before he could obtain suspension of execution of the sentence awarded by the Sessions Court. Considering peculiar facts and circumstances, in my view, it would be appropriate if the Sessions Court is directed to expedite hearing of the appeal. Warrant issued by the Sessions Court is also quashed and set aside. Sessions Court shall decide the appeal as expeditiously as possible and in any case, within a period of six months. Impugned order directing the Petitioner to deposit compensation is stayed pending hearing and final disposal of the appeal.

. Criminal Petition is allowed in the above terms and disposed

of accordingly.

V.M. KANADE, J.